

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,

Plaintiff,

v.

WINSTON A. BAILEY,

Defendant.

Case No. 4:19-cr-40085-JPG-17

**MEMORANDUM AND ORDER**

This matter comes before the Court on defendant Winston Bailey's motion for a reduction of his criminal sentence pursuant to 18 U.S.C. § 3582(c)(2) and United States Sentencing Guidelines Manual ("U.S.S.G.") § 1B1.10, making Amendment 821 retroactive (Docs. 1003 & 1005). The Government agrees with the motion (Doc. 1013).

The parties agree that the defendant is eligible for a reduction under Part A of Amendment 821, which amended U.S.S.G. § 4A1.1(e) (2023) and concerns criminal history points awarded because a defendant was under a criminal sentence when he committed his offense of conviction ("status points"). Under Amendment 821, the Defendant's 2 status points are reduced to 0 status points, and his criminal history category is reduced from IV to III. The result is that his guideline sentencing range is lowered. Considering this lowered range, the parties agree that a sentence reduction from 180 months to 160 months in prison on Counts 1 and 10 is appropriate. The Court agrees for the reasons set forth in the motion.

Accordingly, the Court **GRANTS** the motion (Doc. 1005) and reduces the defendant's sentence of imprisonment from 180 months to **160 months**, with credit for time served in his State of Illinois (Marion County) case number 19-CF-34. The Court attaches its standard order (AO Form 247) reflecting the sentence reduction.

The Court **DENIES as moot** the defendant's *pro se* motion (Doc. 1003) in light of this order. It further **DENIES as moot** the defendant's motion for appointment of counsel in light of the appearance of AFPD Kuenneke (Doc. 1004).

**IT IS SO ORDERED.**

**DATED: February 6, 2024**

s/ J. Phil Gilbert  
**J. PHIL GILBERT**  
**U.S. DISTRICT JUDGE**